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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,102	12/22/2000	Sidney Bell	98RE017A	5136

7590 02/28/2002  
Rockwell Automation  
1201 South Second Street, Dept. 704P  
Milwaukee, WI 53204

EXAMINER

TAMAI, KARL I

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 02/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/748,102

Applicant(s)

BELL, SIDNEY

Examiner

Tamai IE Karl

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \*   c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.                      6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC ' 102***

1. The rejection of Claims 1 under 35 U.S.C. 102(b) as being anticipated by Emery et al.(Emery) is withdrawn.

***Claim Rejections - 35 USC ' 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 7-9, 11, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cope et al.(Cope)(US 4,160,926) and Erdman et al.(IEEE Conference). Cope teaches every aspect of the invention except the electrostatic shield of resin and conductive paint. Erdman teaches the entire stator length being treated with varnish and then painted with a copper(non-magnetic) paint. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the machine of Cope with a paint applied to the cured resin to construct a Faraday shield.
4. Claims 3-5, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cope and Erdman(IEEE), in further view of Erdman et al.(US 5,661,353)(‘353).

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Cope and Erdman teach every aspect of the invention except the ground wall(paint) being grounded through the stator. Erdman teaches the electrostatic shield can be grounded through the stator. It would have been obvious to a person skilled in the art at the time of the invention to construct the machine Emery with shield grounded through the stator to provide simultaneous grounding of the core and the shield.

5. Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emery and Erdman(IEEE and '353), in further view of Andrus(US 2,573,126). Emery and Erdman(IEEE and '353) teach every aspect of the invention except an inner protective layer on the inner surface of the conductor. Andrus teaches an inner layer on the stator allows the machine to be used in oil or water. It would have been obvious to a person skilled in the art at the time of the invention to construct the machine of Cope and Erdman(IEEE and '353) with a protective layer on the inner surface of the stator to allow the machine to operate in oil or water, as taught by Andrus.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cope et al.(Cope)(US 4,160,926) and Erdman et al.(IEEE Conference). Cope and Erdman(IEEE) teach every aspect of the predetermined thickness of the insulative layer is at least 0.012 inches. It would have been obvious to a person skilled in the art at the time of the invention to construct the motor of Cope and Erdman(IEEE) with the predetermined thickness of the insulative layer is at least 0.012 inches to provide sufficient insulation between the winding and the ground shield and because It has

been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. (see *In re Aller*, 105 USPQ 233).

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new grounds of rejection.

### ***Conclusion***

8. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

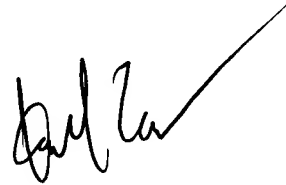
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl I.E. Tamai whose telephone number is (703) 305-7066.

The examiner can be normally contacted on Monday through Friday from 8:00 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Nestor Ramirez, can be reached at (703)308-1371. The facsimile number for the Group is (703)305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Karl I Tamai  
PRIMARY PATENT EXAMINER  
February 22, 2002



KARL TAMAI  
PRIMARY EXAMINER